IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.

NOTICE OF MOTION NO.1823 OF 2005
IN
APPEAL (LODGING) NO.576 OF 2005
IN
ARBITRATION PETITION NO.24 OF 2005
IN
AWARD NO.80 OF 1999

M/s.Shree Ganesh Investment .. Appellant

v/s.

Mr.Sanjay M. Trivedi & ors. .. Respondents

Mr.P.P.Pandey with Mrs.Pranali Shete for the appellant.

Mr.A.A.Mukri i/by M/s.Purohit & Co. for the respondents.

CORAM : R.M. LODHA AND
J.P. DEVADHAR, JJ.

DATED : 25th July, 2005

P.C.

Heard.

2. By this notice of motion, the appellant-applicant prays for condonation of delay in filing the appeal. The delay is of 1889 days. It arises in the circumstances that we may briefly indicate hereinafter.

3. By the order dated 4.4.2000, the learned Single Judge dismissed the arbitration petition No.24 of 2000 filed by the present appellant for setting aside the award. Aggrieved by the order dated 4.4.2000, the present appellant preferred appeal

No.313 of 2002. By the order dated 17th February, 2003, the Division Bench allowed the appeal to be withdrawn as the advocate for the appellant submitted that the review petition has already been filed seeking review of the order dated 4.4.2000. The said review petition came to be dismissed on 4th May, 2005. The present appeal has been preferred thereafter on 6th June, 2005.

4. The aforesaid narration of facts would reveal that the order dated 4.4.2000 passed by the learned Single Judge dismissing the arbitration petition for setting aside the award dated 31st May, 1999 was challenged by the appellant in appeal No.313 of 2002. The said appeal was allowed to be withdrawn as the review petition seeking review of the order dated 4.4.2000 was pending. The review petition was rejected on 4th May, 2005. The period upto 4th May, 2005 is, thus, also satisfactorily explained. In the month of May, the High Court was closed due to the summer vacation. Immediately on the reopening of the High Court, on 6th June, 2005, the present appeal has been preferred. The delay, in our considered opinion, is explained satisfactorily.

5. We, accordingly, condone the delay in filing the appeal.

6. Office is directed to process the appeal and

post it for admission as and when numbered.

7. Notice of motion is disposed of accordingly.

(R.M.LODHA, J.)

(J.P. DEVADHAR, J.)